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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of the United Republic of Tanzania

Constitutional, legislative and institutional framework and access to justice

1. It is indicated in the report submitted by the State party (CEDAW/C/TZA/7-8) that the new draft constitution, in its articles 33 (2) and 54 (b), defines discrimination against women to include direct and indirect discrimination, in accordance with article 1 of the Convention (para. 4).[1] In addition, it is specified that the principle of equality before the law is provided for in the 1977 Constitution of Tanzania and the 1984 Constitution of Zanzibar (para. 8). Please indicate whether a time frame has been set for the adoption of or a referendum on the draft constitution. Please further indicate whether Zanzibar is taking any steps to align its Constitution with the draft Constitution.

2. It is mentioned in the report that several sector-specific laws have been enacted to ensure substantive equality of women with men (paras. 9-13) and that inheritance laws on the mainland have been reviewed and will be amended as soon as the new constitution has been adopted (paras. 6 and 7). Please provide updated information on the work of the Law Reform Commission to accelerate the review process of existing discriminatory laws and indicate whether a time frame has been established for the enactment of the proposed amendments to the inheritance laws, the customary law of inheritance, the marriage act and the law on the custody of children. In the light of the Committee's previous concluding observations

Note: The present document is issued in English, French and Spanish only.

* CEDAW/C/63/1.

[1] Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of the State party (CEDAW/C/TZA/7-8).

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(CEDAW/C/TZA/CO/6, para. 15), please also provide information on any steps taken to harmonize without delay customary law with statutory law and to ensure alignment with the provisions of the Convention. Please describe how customary justice mechanisms function and their relationship to the formal justice system.

3. Reference is made to the impending enactment of a legal aid bill that would regulate the provision of free legal aid in the State party and guarantee effective access to justice for all, including poor and vulnerable women and girls (para. 17). Please provide further information on the content of the bill and indicate whether a time frame has been established for its adoption. In the light of the Committee's previous concluding observations (CEDAW/C/TZA/CO/6, para. 18), please provide information on measures taken, in accordance with the Committee's general recommendation No. 33 on the subject, to remove all barriers to women's access to justice, including structural and geographic barriers, limited access to information about their rights, lack of support in pursuing those rights and high legal costs.

4. Please provide information on the mechanisms and measures adopted to ensure the equal participation of women in the entire drafting and adoption process for the post-2015 development agenda.

National machinery for the advancement of women

5. The Committee notes that, since 2008, the institutional capacity of the national machinery for the advancement of women has been strengthened through the establishment of gender mainstreaming macro working groups to promote gender mainstreaming in the policies, programmes, plans and budgets of sectoral ministries and non-governmental organizations in the State party. It has also been reported that the authorities on the mainland are in the initial stages of reviewing a national gender policy intended to replace the Gender and Women Development Policy (2000) (para. 26). Please provide information on the working groups, including their visibility in the institutional structure and the resources allocated to them. Please also provide information on the content of the draft national gender policy, indicating whether a timetable has been established for its adoption. Please indicate which public agency will be responsible for its implementation, coordination, monitoring and evaluation. Please also indicate the time frame for the adoption of a gender policy by Zanzibar and the human, technical and financial resources to be allocated for its implementation.

Temporary special measures

6. It is mentioned in the report that there is a constitutional requirement that women comprise 40 per cent of the Zanzibar House of Representatives and 30 per cent of the National Assembly (para. 63). In the light of the Committee's previous concluding observations (CEDAW/C/TZA/CO/6, para. 30), please provide information on further temporary special measures taken or envisaged to accelerate the full and equal participation of women in all areas covered by the Convention, including education and employment.

Stereotypes and harmful practices

7. Please indicate whether a comprehensive strategy has been developed and implemented to change the public's attitude regarding social and cultural patterns that lead to gender stereotyping of the roles of women and men in the family, the

community and society, including initiatives involving collaboration with traditional and community leaders and women's organizations. Please also indicate measures taken, including comprehensive educational measures and awareness-raising campaigns, targeting rural areas in particular, to prevent and address prevalent harmful practices such as early and forced marriage, female genital mutilation, polygamy, "widow cleansing", the killing of older women accused of witchcraft, the practice of prescribing sex with girls or women with albinism as a cure for HIV, ritual killings and attacks on persons with albinism, including women and girls, and the use of their body parts for the purposes of witchcraft, and the stigma and social exclusion suffered by mothers of children with albinism.

8. Notwithstanding the intensification of related education, training and awareness-raising programmes and campaigns, female genital mutilation is still practised, with more than 60 per cent prevalence in some regions (para. 38) and 31 per cent of all cases being performed at very young ages, including of newborn baby girls, especially in rural and traditional communities. Please provide information on measures taken to address the practice of female genital mutilation, including on newborn baby girls. Please clarify whether the amended Penal Code and the Sexual Offences Special Provisions Act (1998) criminalize only female genital mutilation performed on girls who are under 18 years of age and indicate the steps being taken to criminalize female genital mutilation performed on women and girls of all ages, to prosecute and adequately punish perpetrators and to ensure that victims have access to adequate psychosocial and medical care. Please indicate whether measures have been taken to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.

Violence against women

9. Notwithstanding the steps taken to prevent and combat violence against women, such as the development and implementation of the National Plan of Action for the Prevention and Eradication of Violence against Women and Children (2001-2015) and the establishment of dedicated desks at major police stations throughout the State party to process cases involving children and women who are victims of abuse (paras. 43-45), the Committee notes the high prevalence of violence against women, in particular sexual and domestic violence, the lack of specific provisions on domestic violence, including marital rape, in the current Criminal Code and the impunity for perpetrators of such violence. Please indicate the steps taken to strengthen the human, technical and financial resources of the police gender and children desks; to criminalize domestic violence, including marital rape, and ensure that such acts of violence are reported to the police rather than being settled within the family; to carry out awareness-raising campaigns targeting the public at large; to provide appropriate training to law enforcement personnel, judicial officials, health providers and social workers to deal with cases of violence against women; and to ensure that the perpetrators of such acts are prosecuted and victims provided with adequate protection and assistance.

10. In its concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania, the Committee on the Rights of the Child expressed concern about the sexual exploitation of girls, especially in mining areas, and the reluctance of girl victims of sexual violence to report abuse and violence to the police because of the stigma surrounding child survivors of gender-based violence (CRC/C/TZA/CO/3-5, para. 40). Please provide information on measures

taken to ensure that girls who are victims of sexual exploitation and abuse have access to protection centres and to ensure that these are available throughout the country, especially in rural areas. Please also indicate the steps taken to carry out awareness-raising campaigns, in particular for girls, parents and caregivers, in order to prevent the stigmatization of victims of sexual violence and abuse. Please provide information on the measures taken to develop adequate systems for investigating cases of sexual exploitation and to promptly prosecute all cases of sexual violence and abuse of girls.

Trafficking and exploitation of prostitution

11. According to information received by the Committee, the State party is a source, transit and destination country for trafficking of women and children. Please indicate the time frame for the publication in the Official Gazette of regulations for the implementation of the Anti-Trafficking in Persons Act (2008). Please also indicate whether any steps have been taken to provide sufficient human and financial resources for the implementation of the National Anti-Trafficking in Persons Action Plan (2013-2017). In its concluding observations (CRC/C/TZA/CO/3-5, para. 70), the Committee on the Rights of the Child expressed concern about persistent reports of trafficking of girls for domestic work and increasing sexual exploitation and reports of trafficking of body parts. Please provide information on measures taken to combat trafficking of girls for their labour or sexual exploitation and to prevent the sale of their body parts. Please indicate the measures taken to strengthen awareness-raising programmes on trafficking, especially in rural areas, border areas and areas of poverty, and to ensure the provision of adequate protection and assistance to women and girls who are victims of trafficking, including the provision of shelters and rehabilitation and reintegration support. Please provide comprehensive data and statistics on the extent and forms of trafficking of women and girls into, through and from the State party, as well as on any cases brought against perpetrators and sentences imposed.

12. The prevalence of prostitution was not addressed in the report of the State party. Information before the Committee indicates that prostitutes are often arrested and stigmatized because they are regarded as "vectors" for the transmission of HIV/AIDS. Please provide information on the prevalence of prostitution and indicate whether prostitution is criminalized under national law. Please also indicate what measures are in place to provide alternative life choices for prostitutes.

Participation in political and public life

13. While the State party is among the global leaders in terms of female representation at the parliamentary level (mainly obtained through reserved seats) and at the government level, the representation of female decision makers at the local level remains low. Please provide information on measures taken or envisaged to amend legislation and policy relating to the participation of women in political and public life to incorporate provisions that promote equal representation of women and men in leadership and decision-making at all levels and in all areas of public and professional life in the State party, regardless of the outcome of the constitutional review process. Please also indicate whether any steps have been taken to support women standing for election by developing targeted training and mentoring programmes on leadership and negotiation skills.

Nationality

14. Information received by the Committee indicates that, under the Tanzania Citizenship Act (1995), and its regulations (1997), a woman married to a Tanzanian citizen shall, at any time during the lifetime of her husband, be entitled to make an application to be naturalized as a Tanzanian citizen. This does not apply, however, to a man married to a Tanzanian woman. In its report, the State party indicates that it is currently reviewing the Act, in accordance with suggested provisions in the draft constitution, in order to bring it into full compliance with article 9 of the Convention (para. 69). In the light of the Committee's previous concluding observations (CEDAW/C/TZA/CO/6, para. 32), please provide information on the status of the review process and indicate whether a time frame has been established for the amendment of the Act. Please also indicate whether a Tanzanian woman can transmit her nationality to her child on the same basis as a Tanzanian man.

Education

15. The Committee notes the significant number of educational programmes and the gender parity that exists in primary school enrolment. According to information received by the Committee, however, equal access to education remains a critical issue in the State party, especially in higher learning institutions and in vocational and technical education. Please provide updated data on the enrolment of girls at all levels, including early childhood enrolment. In addition, the State party indicates an important gender gap in literacy rates, especially in rural areas (para. 77). Please provide information on the literacy programmes being carried out and indicate whether any measures have been taken to increase their effectiveness. The Committee also notes the elevated school dropout rate, in particular at the primary level (para. 74), owing to early marriage, pregnancy, child labour and family responsibilities. In the light of the Committee's previous concluding observations (CEDAW/C/TZA/CO/6, para. 33), please indicate what measures, including legislative measures, are being contemplated to ensure the continued enrolment of girls who become pregnant and of adolescent mothers in the State party, and to cease mandatory pregnancy testing. Please indicate whether measures have been taken to support and assist those girls who leave school because of pregnancy to re-enrol and continue their education in mainstream schools. Please also describe the measures being taken to address the high rate of teenage pregnancy (para. 118), including through family planning information and services, enhanced access to contraceptives (paras. 120-123), including emergency contraceptives, regardless of marital status or age, and age-appropriate sexual and reproductive health education.

Employment

16. The Committee notes that the proportion of women among wage earners is low, constituting only about 30 per cent of paid employees. Please provide updated information on women's unemployment rates compared with those of men, and indicate any measures taken to increase the access of women to employment in the formal sector, in particular those living in rural areas. Please also provide information on the wage gap between men and women, occupational segregation and related trends since the presentation of the previous report (CEDAW/C/TZA/6). Please describe any measures in place or being planned to expand parental leave to the private sector. Please further indicate whether any steps have been taken to ratify the Employment Policy Convention, 1964 (No. 122), and the Domestic

Workers Convention, 2011 (No. 189), of the International Labour Organization and to adopt legislation on domestic work in line with those conventions.

Health

17. In view of the significant discrepancy in HIV infection rates for women (6.8 per cent in 2008 and 6.2 per cent in 2012) compared with men (4.7 per cent in 2008 and 3.8 per cent in 2012), please indicate the specific budget allocated for addressing the gender dimensions of the response. Please also describe the measures taken to increase the level of awareness on the part of young women and girls of sexual and reproductive health issues and to ensure unhindered access to modern contraceptives for women and girls throughout the territory of the State party. Please also provide information on measures taken or envisaged to amend the provisions of the HIV and AIDS Prevention and Control Act (2008) that perpetuate discrimination against women living with HIV, including those that criminalize transmission and force disclosure of HIV status to sexual partners. Please further indicate the steps taken to increase the provision of antiretroviral treatment to women and girls, especially in rural areas.

18. It is indicated in the report that there are policy and administrative measures to ensure the reduction of infant, children and maternal mortality (para. 112). Tables presented in the report show, however, that there has been limited progress in reducing the maternal mortality rate, which stood at 454 per 100,000 in 2010 on the mainland (para. 113) and 287 per 100,000 in Zanzibar (annex A). Please provide further information on the resources allocated for the implementation of those policies and indicate whether an impact assessment has been carried out in order to identify gaps and make the necessary adjustments. Please also indicate what measures have been taken to increase women's access to basic obstetric and neonatal care, high-quality reproductive health services and basic health-care centres, in particular in rural areas. Please also indicate what efforts are being made to clarify and publicize the State party's law on abortion, which permits abortion when the life of the mother is at risk and when authorized by a court ruling in cases where the health of the mother is at risk. Please indicate what measures are being taken to develop clear guidelines for health-care providers to improve the accessibility and availability of safe abortion services. Please also provide information on steps taken or envisaged to remove punitive measures for women who undergo abortion and to amend legislation in order to decriminalize abortion in cases of rape, incest, risk to the health of the mother and severe foetal impairment.

Rural women

19. Notwithstanding the adoption of the Land Act (1999), as amended in 2004, and the Village Lands Act (1999), which reverse discriminatory customary practices relating to women's rights to land, it has been reported that rural women still face discrimination with regards to land ownership. Please provide information on the steps taken to ensure that women in rural areas, in particular those who are heads of household, participate in decision-making processes and have improved access to health, education, clean water and sanitation services, income-generating projects and actual ownership of land. Please also provide information on measures taken to support entrepreneurship among rural women, including by simplifying business registration processes, ensuring women's access to information on new registration procedures and expanding women's access to financial services, and to enhance the

situation of rural women in the informal sector, and indicate what the impact of the measures has been. Please also indicate any plans to scale up the programmes for skills training for self-employment.

Disadvantaged groups of women

20. According to information received by the Committee, indigenous women, in particular Masai women, are among the poorest and most marginalized groups in Tanzanian society, because their rights and access to productive, social and human assets, in particular access to their ancestral lands, and their rights to participate in and benefit from rural development, are not being upheld. Please indicate what measures have been taken to restore indigenous ancestral lands to indigenous peoples and to award appropriate compensation to those whose access has been impeded. Please also provide information on steps taken to guarantee their equal access to land ownership and tenure, education, employment and health care, and to facilitate their access to and control over land, water and other natural resources. Please also provide information on the means used to protect refugee women from all forms of violence and the mechanisms available for redress and rehabilitation, as well as on steps taken to investigate and punish all perpetrators of violence against refugee women.

Marriage and family relations

21. The Committee notes that, under customary law, widows may inherit nothing from their husbands; women and girls born out of wedlock cannot inherit clan land; and sons inherit more than daughters. Although the High Court acknowledged that those laws were "discriminatory in more ways than one", it refused to take any action, fearing that doing so would open "a Pandora's box" of challenges to numerous discriminatory customs (CEDAW/C/60/D/48/2013, para. 2.8). Please provide information on measures taken to repeal or amend discriminatory customary law provisions and to harmonize the competing legal systems governing succession and inheritance in the State party.

22. In the report, it is mentioned that the State party is completing its law reform in the area of marriage and family relations (para. 155). It is further indicated that the matters of polygamy and early marriage are being addressed as part of the ongoing constitutional review (paras. 14 and 158). Please indicate the status of the law reform process and the timeline for the amendment of discriminatory customary law provisions on widow inheritance (levirate), the Law of Persons Act, which allows for the possible payment of a bride price, and the Law of Marriage Act (1971), which allows polygamy and sets the minimum age of marriage for girls at 15 years, or even 14 years with parental consent. Please also clarify whether proposed amendments to the Law of Marriage Act would criminalize polygamy and early marriage.

Amendment to article 20 (1) of the Convention

23. Please indicate whether any progress has been made with regard to the acceptance of the amendment to article 20 (1) of the Convention.